


Gulf Coast Ecosystem Restoration Council
New Orleans, LA 70130



MEMORANDUM

FROM: Ben Scaggs 
Executive Director

TO: Andrew Wheeler
Acting Administrator, U.S. Environmental Protection Agency (EPA)
Chairperson, Gulf Coast Ecosystem Restoration Council (Council)

DATE: July 10, 2018

SUBJECT: Recommendation for Approval of Alabama Planning State Expenditure Plan

Pursuant to the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast States Act of 2012, 33 U.S.C. §1321(t) (RESTORE Act), the attached Alabama Planning State Expenditure Plan (PSEP) requires approval or disapproval by the Chairperson of the Council within sixty days after receipt by the Council. This sixty-day review period officially began on July 2, 2018; the statutory deadline for Chairperson approval or disapproval is August 30, 2018.

According to the Council's State Expenditure Plan (SEP) Guidelines, Council staff are to review the proposed PSEP and make a recommendation to the Chairperson as to whether to approve or disapprove it based on the requirements of the RESTORE Act, the Department of the Treasury's implementing regulations and the Council's SEP Guidelines. I have reviewed the PSEP and find that it is complete and meets all applicable requirements. I therefore recommend that the Chairperson approve the PSEP on behalf of the Council. A more detailed explanation of this recommendation is provided below.

If you agree with this recommendation and approve the PSEP, the attached response letter has been prepared for your signature. The attached letter would constitute the Chairperson's affirmative vote to approve the PSEP. Pursuant to section 4.3.3 of the Council's Standard Operating Procedures, Council staff are to post on the Council's website all deliberative materials (including this memorandum) at least seven days before formal Council approval of the PSEP.

BACKGROUND

The RESTORE Act established the Council as an independent federal entity. Among other duties, the

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Council is tasked with administering the Spill Impact Component of the RESTORE Act, under which thirty percent of the funds in the Gulf Coast Restoration Trust Fund (Trust Fund) are disbursed to the five Gulf Coast States based on an allocation formula established by the Council by regulation, based on criteria in the RESTORE Act. In order for Spill Impact Component funds to be disbursed to a State or its administrative agent, the RESTORE Act requires each State to develop a SEP and submit it to the Chairperson for approval.

The Council's SEP Guidelines describe the required elements of a SEP, the process for submitting a SEP, and the standards by which the Chairperson will evaluate a SEP. The Guidelines also describe the requirements for a second type of SEP, a "Planning State Expenditure Plan" or "PSEP", authorized by the RESTORE Act Spill Impact Component Planning Allocation Rule (80 FR 1584, 40 C.F.R. Part 1800). Under this Rule, the eligible entities may submit a PSEP with expenditures not to exceed a member's statutory minimum allocation for PSEPs (5%) in order to fund planning and development of a full SEP. In order to receive planning funds, a State must submit a PSEP for approval by the Chairperson and the PSEP must meet the applicable requirements set out in the RESTORE Act, the Council's SEP Guidelines and the Department of Treasury's implementing regulations.

The Alabama PSEP, if approved, would provide \$339,775 in Spill Impact Component funding to support planning activities needed to develop the Alabama SEP. As noted above, the Council staff review found that the Alabama PSEP is complete and meets the specific requirements set forth in the SEP Guidelines. These requirements include descriptions of the financial controls and other financial integrity mechanisms that will be used, and a description of the process used for preventing conflicts of interest, among other matters.

Once a SEP or PSEP is approved, funding for the activities in the SEP or PSEP will be disbursed via federal grants. If it is approved by you, we look forward to working with the Alabama Gulf Coast Recovery Council (the designated entity for the Alabama SEP) to help ensure an efficient grant process for the PSEP.

Thank you in advance for your review of this matter. Please do not hesitate to let me know if you have any questions or would like to discuss this matter further. Technical questions regarding the PSEP can be directed to John Ettinger of Council staff at (504) 444-3522 or at john.ettinger@restorethegulf.gov.

Attachments

1. Alabama Planning State Expenditure Plan
2. Draft Chair Letter Approving Alabama's Planning State Expenditure Plan